IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.1813 OF 2005

Ms X : Petitioner

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.Mihir Desai for the petitioner.

Mr. G. W. Mattos, Asstt. Govt. Pleader for respondent Nos.1 to 3.

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CORAM : DALVEER BHANDARI, C.J. &
S.A. BOBDE, J.

DATE : OCTOBER 14, 2005.

P.C.:

1. The petitioner, who is the rape victim in the "Marine Drive rape case", has claimed compensation under the public law for violation of her fundamental rights at the hands of a State functionary. According to the petitioner, because of the unfortunate incident, she has suffered tremendous physical and mental trauma. Therefore, the petitioner has prayed that the respondents be directed to pay Rs.15 lakhs as compensation for violation of her fundamental rights.

2. Pursuant to the show cause notice issued by this Court, Sadanand Ramchandra Jadhav, Deputy Secretary (Special), Home Department, has filed affidavit. In the affidavit, it is mentioned that a case has been registered against

No.4 Sunil More, police constable under sections 376(2)(a), (b), 342, 323, 354 and 506(2) of the Indian Penal Code read with section 85(1)(a) of the Bombay Prohibition Act, 1949. It is also mentioned that the case has now been committed to the Court of Sessions at Greater Mumbai, bearing Sessions Case No.563 of 2005. It is also mentioned in the affidavit that the State Government on 23.9.2005 has paid Rs.3 lakhs to the petitioner pursuant to the order dated 19.5.2005 passed by the Maharashtra State Human Rights Commission.

3. The learned counsel appearing for the petitioner submits that in view of the fact that a case has been registered against respondent no.4 and the petitioner has been paid compensation of Rs.3 lakhs, he has instructions to withdraw this petition. The petitioner submits that the same observations which have been made by the Supreme Court in Rudul Sah v. State of Bihar [(1983) 4 SCC 141] be made in this case. We have heard the learned counsel for the parties. The request seems to be reasonable. This order will not prevent the petitioner from bringing a suit for appropriate damages from the State and its erring officials.

4. No further directions are necessary. This petition is, accordingly, disposed of.

CHIEF JUSTICE

S.A. BOBDE, J.